

WEBINAR WEDNESDAYS



Wednesday, March 24, 2021

MEETING VICTIMS WHERE THEY ARE

Presented by:

Meg Garvin

Executive Director and Clinical Professor of Law
National Crime Victim Law Institute

Distributed by:

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
3838 N. Central Ave., Suite 850
Phoenix, Arizona 85012

ELIZABETH BURTON ORTIZ
EXECUTIVE DIRECTOR



NATIONAL CRIME
VICTIM LAW INSTITUTE

Meeting Victims Where They Are

Meg Garvin, MA, JD, MsT
National Crime Victim Law Institute

Who is NCVLI?



The **ONLY** national nonprofit dedicated to protecting and enforcing victims' legal rights.

Based at Lewis & Clark Law School in Portland, Oregon, NCVLI promotes balance and fairness in the justice system through crime victim centered legal advocacy, education, and resource-sharing.

www.ncvli.org



**RIGHTS ENFORCEMENT
TOOLKIT** that guides
practitioners through
the steps of asserting
victims' rights



National, regional,
local, and online
TRAININGS on
victim law



Basic victims'
rights information
in short video
QUICKTOOLS



Listings of victims'
rights and resources
by location and topic
in an online **VICTIM
RESOURCE MAP**



**TECHNICAL
ASSISTANCE** in
the form of legal
research, writing,
strategic advice,
and amicus curiae
briefing



**VICTIM LAW
LIBRARY** filled with
innovative legal
articles



Frame for the Day



+

?

=



*Using the chat box please type in your
#1 goal as a prosecutor?*



One vision of goal

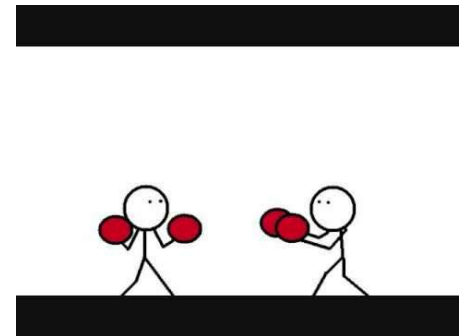


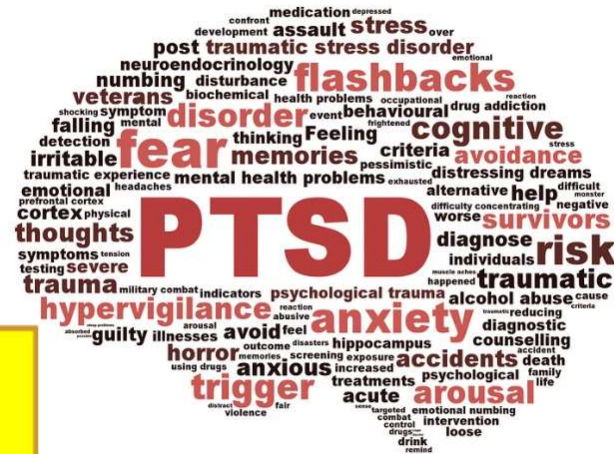


- ❖ **UNDERSTAND** survivor/victim* experience of system.
- ❖ **IDENTIFY** the impacts of that experience on investigation and prosecution.
- ❖ **DESCRIBE** landscape of victims' rights.
- ❖ **UNDERSTAND** foundational elements of privacy, privilege & confidentiality.
- ❖ **ARTICULATE** how trauma-informed efforts can improve outcomes.

Trauma

What do you know about what physiologically and neurobiologically happens during traumatic event?





Share what you know about how PTS(D) presents/manifests in someone's behaviors



Let's walk "a day" in
the life of a victim *in*
criminal justice





Horwitz Farsnarkle

@madrone74

16 hours ago

It would be more believable if they'd report the assaults the day after they happened rather than wait for months.

This is just teenage girls' fantasies at work.

2 Like Reply

Follow



Heather Keating

@CIKeating



Follow

Its always sad to see young women become victims of sexual offences , Don't Drink too much on New Years Eve and regret your actions !

Reply Retweet Favorite More

16
RETWEETS

2
FAVORITES



8:37 PM - 30 Dec 12 · Embed this Tweet

teubenville trial. That whore was asking for

Reply Retweet Favorite More

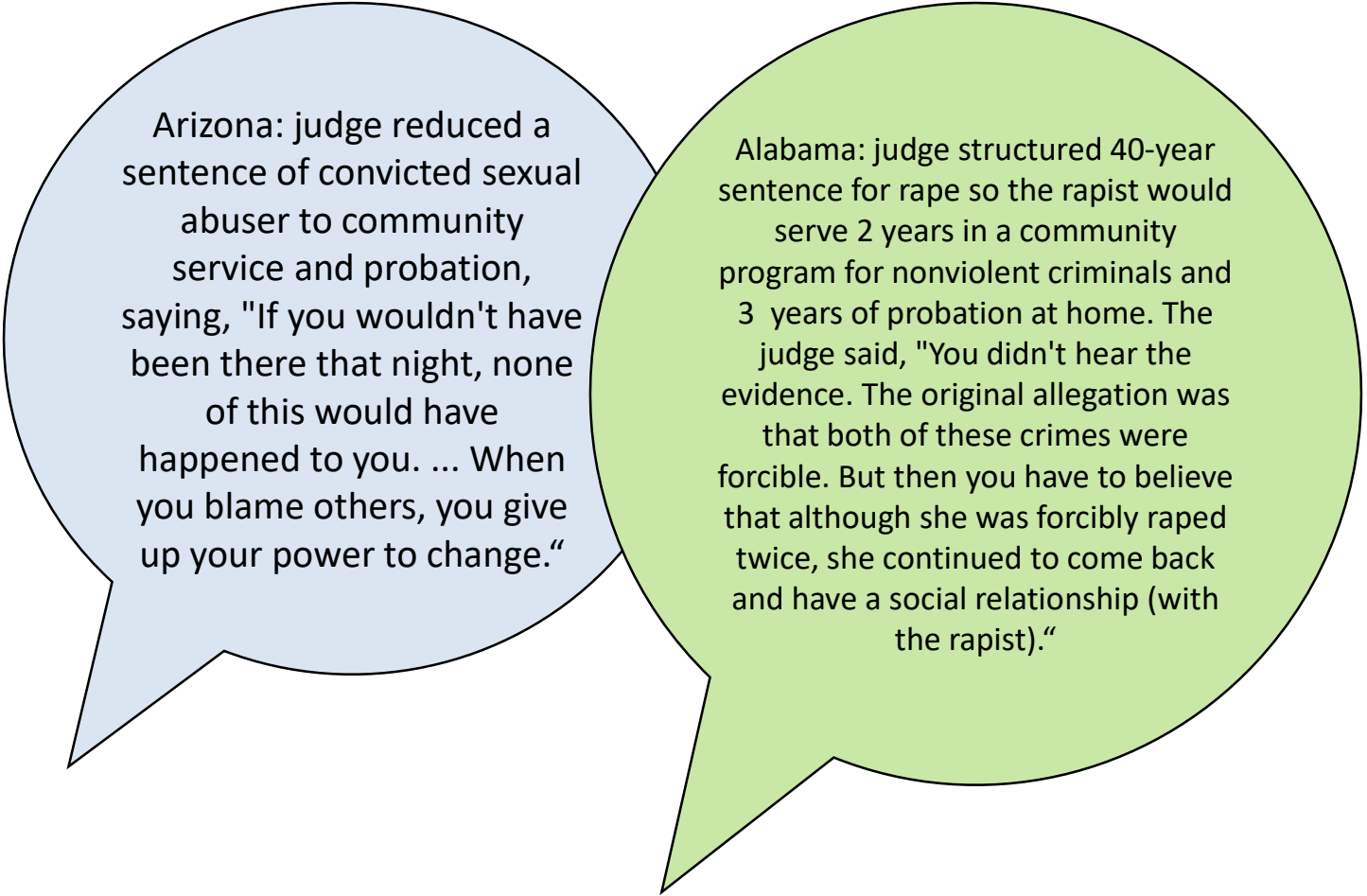
AVORITE

55 AM - 18 Mar 13

Montana: judge reduced a former teacher's rape conviction to 31 days

because the victim, a 14-year-old girl, was "as much in control of the situation" as her rapist and, in his opinion, "older than her chronological age."

California: judge reduced a sentence of a convicted rapist because the woman didn't fight hard enough. The judge said, "If someone doesn't want to have sexual intercourse, the body shuts down. The body will not permit that to happen unless a lot of damage is inflicted, and we heard nothing about that in this case. That tells me that the victim in this case, although she wasn't necessarily willing, she didn't put up a fight."



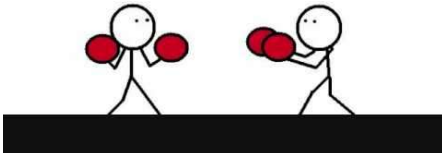
Arizona: judge reduced a sentence of convicted sexual abuser to community service and probation, saying, "If you wouldn't have been there that night, none of this would have happened to you. ... When you blame others, you give up your power to change."

Alabama: judge structured 40-year sentence for rape so the rapist would serve 2 years in a community program for nonviolent criminals and 3 years of probation at home. The judge said, "You didn't hear the evidence. The original allegation was that both of these crimes were forcible. But then you have to believe that although she was forcibly raped twice, she continued to come back and have a social relationship (with the rapist)."



The Power of a STORY





In the words of Judith Herman, M.D., “if one set out intentionally to design a system for provoking symptoms of posttraumatic stress disorder, it might look very much like a [our justice system].”

It's not just about the victim







Case Attrition Example



Of 100 rapes committed

An estimated 5-20 are reported to police

0.4 – 5.4 are prosecuted

0.2 – 5.2 resulted in conviction

“The “Justice Gap” for Sexual Assault Cases: Future Directions for Research and Reform,” Kimberly Lonsway and Joanne Archambault, EVAW, 2012.

Stranger rapes usually account for only approximately 14% of all rapes.



got fairness?



EXPECTATIONS
vs
REALITY

What gives voice & choice?

RIGHTS

Federal Crime Victims' Rights Act, 18 U.S.C. § 3771

Be reasonably
protected from the
accused

Reasonable,
accurate &

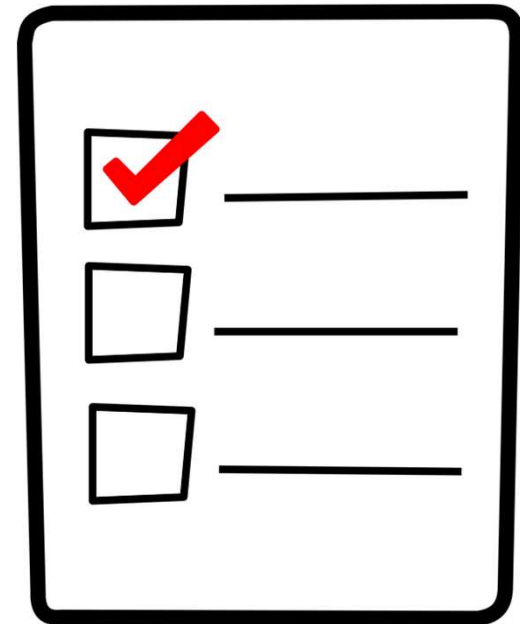
**Arizona's are recognized as just as strong
or stronger!**

any public
proceeding

gs free
in unreasonable
delay

Be treated with
fairness and with
respect for their
dignity and privacy

Take 1 minute & write down as many rights as you can think of that victims are entitled to by law



A graphic of a checklist with three items. The first item has a red checkmark, and the other two are empty boxes. Each item has a horizontal line to its right for writing.

<input checked="" type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____



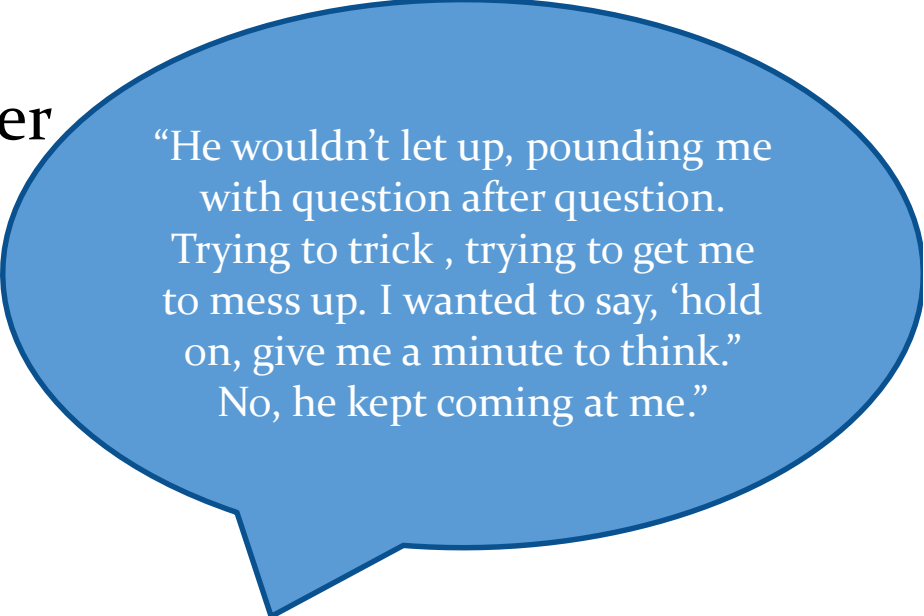
Getting to the Goal

A Different Route



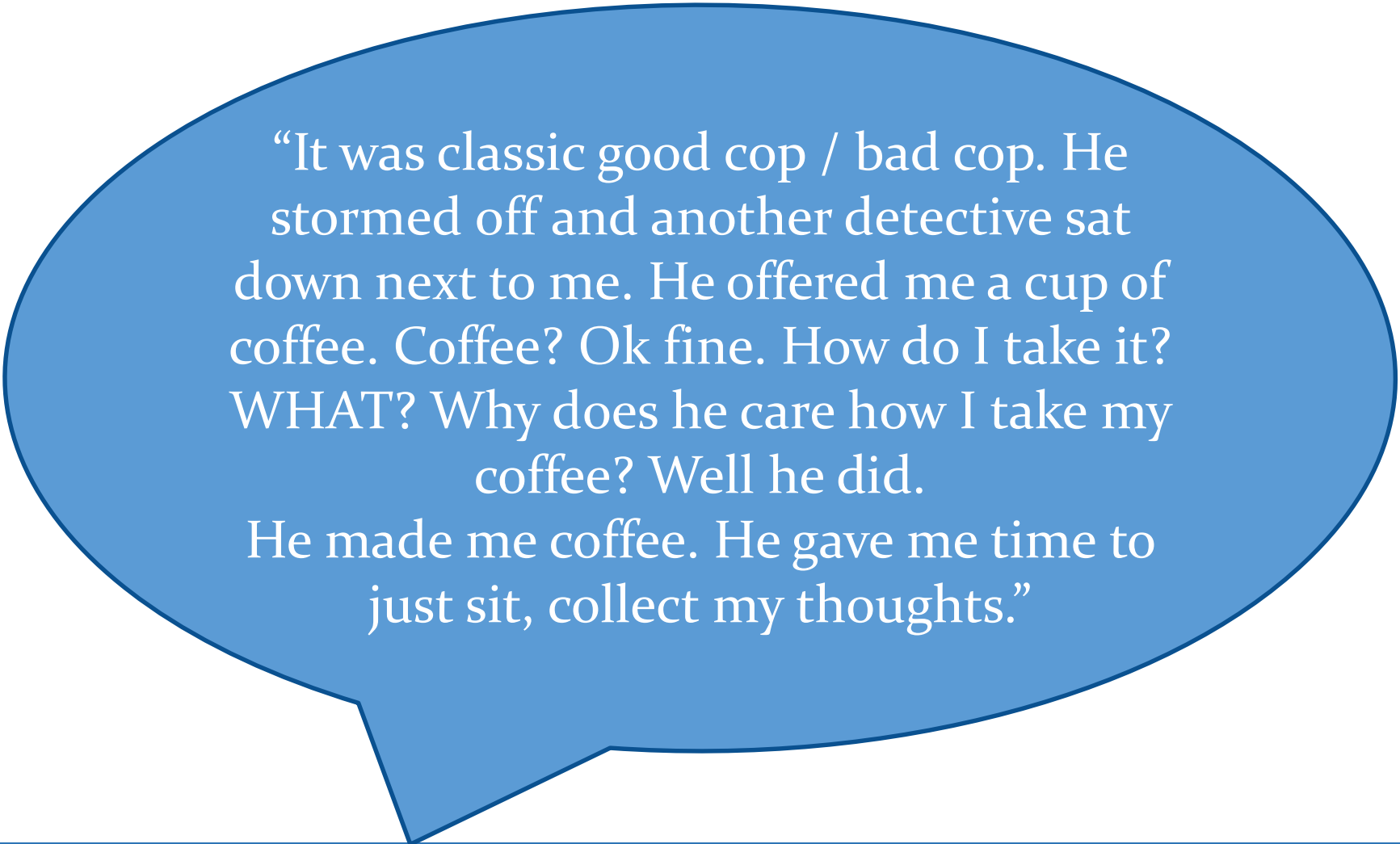
Different Approaches

- 25 year-old woman
- Raped by a friend's brother at a 4th of July party
- File police report
- Detective interview



“He wouldn’t let up, pounding me with question after question. Trying to trick , trying to get me to mess up. I wanted to say, ‘hold on, give me a minute to think.’ No, he kept coming at me.”

(Campbell, R.; “The Neurobiology of Sexual Assault,” National Institute of Justice , December 3, 2012.”)



“It was classic good cop / bad cop. He stormed off and another detective sat down next to me. He offered me a cup of coffee. Coffee? Ok fine. How do I take it? WHAT? Why does he care how I take my coffee? Well he did. He made me coffee. He gave me time to just sit, collect my thoughts.”

“We talked it through. And I didn’t feel rattled and freaked out. I’m sure I was incoherent and he just let it roll. He was patient.

I felt like I was piecing it together, like a puzzle, we were putting together a puzzle together.

And drinking coffee.”

-
- **I:** So, why did you do that? (give her coffee)
 - **R:** It helps. Not the coffee so much, just the moment to let it all come together in their heads.
 - **I:** What do you mean?
 - **R:** I don't know why it's like that, I've just noticed that over the years. If you give them a few minutes to breathe....it starts to make more sense. I don't know why, it just does.

-
- **I:** Were you worried that if you gave her some time, she'd just make something up?
 - **R:** Nah, not really. I mean, some victims lie, but most don't. Besides, if they're lying, we'll catch them at it eventually. I think it's just hard for victims to talk about and we just need to have a little patience."








Punctuation

Period  Use a period at the end of a declarative sentence and in abbreviations.	Question Mark  Use a question mark after an interrogative sentence.	Quotation Marks  Use quotation marks for direct quotations.	Apostrophe  Use an apostrophe in contractions and to indicate possession.
Comma  Use a comma to separate items in a series, to set off an appositive, or before the conjunction in a compound sentence.	Hyphen  Use a hyphen to join words serving as a single adjective before a noun, in number words, and to divide words into syllables.	Exclamation Point  Use an exclamation point to show strong emotion or to give a command.	
Colon  Use a colon to introduce a list and before a final clause that explains something in the sentence.	Parentheses  Use parentheses around extra non-essential information that is too important to omit.	Semicolon  Use a semicolon to join two independent clauses that are not connected with a coordinate conjunction.	

Well okay, but wait a second

Won't
defe
rig



Save the Date

November 11-13, 2021



2021 Crime Victim Law Conference
Portland, Oregon



www.NCVLI.org

